

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

APR 24 2008

DAVID J. MALAND, CLERK
BY
DEPUTY _____

UNITED STATES OF AMERICA

§

§

v.

§

CASE NO. 4:01CR29.12

§

JAMILE NICOLE WILSON

§

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 22, 2008 to determine whether the Defendant violated his supervised release. The Defendant was represented by Don Bailey. The Government was represented by Errin Martin.

On January 4, 2002, the Defendant was sentenced by the Honorable Paul Brown, United States District Judge, to 27 months imprisonment, followed by a 6-year term of supervised release for the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense Cocaine Base (Crack). On June 30, 2006, Defendant was released from custody and ordered to commence service of a 6-year term of supervised release. On December 18, 2006, this matter was re-assigned to the Honorable Michael H. Schneider, United States District Judge.

On November 20, 2007, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. 352). The petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local

crime; (2) Defendant shall not unlawfully possess a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician; (4) Defendant shall refrain from any unlawful use of a controlled substance, and Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the probation officer; and (5) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

The petition alleges that Defendant committed the following violations: (1) on October 24, 2007, Defendant was arrested by the Sherman Police Department at Defendant's residence, and a search of the Defendant's residence resulted in the discovery of approximately 35 grams of crack cocaine, 1 pint of codeine syrup, and several pieces of Alprazolam tablets; (2) Defendant was charged with Possession of a Controlled Substance 4 grams with Intent to Distribute in a Drug Free Zone and Possession of a Controlled Substance 28 grams in a Drug Free zone; (3) on October 25, 2007, Defendant was release on \$50,000 and \$25,000 bonds, and these cases are still pending review by the Grayson County District Attorney's Office; (4) on October 17, 2006, March 23, 2007, April 25, 2007, and October 22, 2007, Defendant submitted urine specimens that tested positive for cocaine, and Defendant tested positive for marijuana on April 10, 2007; and (5) Defendant has not reported to the U.S. Probation Office since his release on October 25, 2007 or notified the probation officer of his October 24, 2007 arrest.

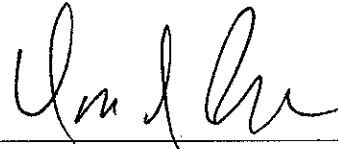
At the hearing, the Government announced that it was only pursuing the Grade B offenses alleged in its petition, indicating that it was therefore only pursuing revocation based on the facts

alleged in (2) and (4) above. Prior to the Government putting on its case, the Defendant entered a plea of true to the Grade B offenses as outlined in (2) and (4) above. At the hearing, the Court recommended that Defendant's supervised release be revoked based on those violations.

RECOMMENDATION

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months, to run consecutively with any other term of imprisonment, with no supervised release to follow.

SIGNED this 23 day of April, 2008.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE